

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

No. CR 05-00611 WHA

Plaintiff,

v.

**NOTICE THAT RECENT
DEFENSE MEMO WILL BE
TREATED AS A MOTION TO
RECUSE**

DALE SCOTT HEINEMAN; KURT F.
JOHNSON; THE DOREAN GROUP;
WILLIAM JULIAN; FARREL J.
LECOMPTE, JR.; SARA J. MAGOON; and
CHARLES DEWEY TOBIAS,

Defendants.

The Court has received a "Writ of Mandamus and Prohibition" filed by defendants Dale Scott Heineman and Kurt F. Johnson. It will be treated as a motion to recuse the undersigned judge, given the passages at page seven and elsewhere. The **GOVERNMENT SHALL RESPOND BY JULY 13, 2006**, to the recusal motion. Another judge of this court will be assigned to decide the motion. In the meantime, the undersigned will continue to supervise the rest of the case.

IT IS SO ORDERED.

Dated: July 6, 2006



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE